IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 524 OF 2000

M/s.Maneklal Wadilal & Co. ...Applicants
V/s.
State of Maharashtra. ...Respondent

WITH

CRIMINAL APPLICATION NO. 525 OF 2000

M/s.Nanavati Diamonds Industries Ltd. ...Applicants
V/s.
State of Maharashtra. ...Respondent

Ms.S.D. Shinde, APP for State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 24, 2006

P.C. :-

. None appears on behalf of the applicants.

. The applicants are challenging the order passed by the Sessions Court which have directed that the diamonds should be confiscated and should be handed over to the State after the expiry of the appeal period.

2. The brief facts are that on 5th March, 1995, the robbery and dacoity took place in the premises of the applicants and several diamonds were stolen. The complaint was lodged with the Jogeshwari Police Station. During the investigation, stolen diamonds were recovered by the police. The applicants satisfied the police about the ownership of the diamonds by identifying them. Chargesheet was filed by the police. Finally, the accused were acquitted in the criminal case. An application for return of the property was made before the Magistrate, however, that application was rejected.

3. Considering the fact that the diamonds were identified by the applicants and these diamonds were stolen from the shop, the Sessions Court has clearly committed an error in passing the impugned order.

4. In the result, the impugned order regarding the confiscation of the diamonds is set aside and quashed. If an application is made for return of the diamonds, the applicants may give appropriate security and thereafter, the Sessions Court may pass appropriate

orders.

. With these directions, Criminal Applications No.524 and 525 of 2000 are disposed of.

(V.M. KANADE, J.)